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No. 06-55

FILED
OCT 27 2006
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

Supreme Court of the United States

JAMES LEE MARTIN, PETITIONER

v.

UNITED STATES COURT
OF INTERNATIONAL TRADE

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

PETITION FOR REHEARING

James Lee Martin, Esquire
pro se
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ISSUES PRESENTED FOR REVIEW ON REHEARING

A. Must a justice issue a decision on an Application for his Recusal?

B. Must documents properly and timely prepared be docketed, rather than merely stamped received, then disregarded without ever being docketed, or decided, after they are presented to filing clerks at the Supreme Court?

CITATIONS OF REPORTS OF ORDERS ENTERED BY THE COURT

The 10-2-06 Order denying the certiorari petition is attached at 1a.

AUTHORITY RELIED UPON

28 USC Sec. 47, No judge shall hear or determine an appeal from the decision of a case or issue tried by him.

RESTATEMENT OF THE CASE

Facts. Various recusal applications have not been docketed or, if they have been, have not been ruled upon. The recusal application directed to Chief Justice Roberts has not been ruled upon, even though it has been pending since it was docketed on 7-27-06. Similarly, because Justice Alito served as a trial judge on the same issue when it was before the Third Circuit, he was not eligible to participate in a decision here, and should have been disqualified under Sec. 47. I filed an Application for Disqualification of Justice Alito that

was stamped received October 5, 2006, but not docketed. That entire Application is incorporated herein by reference, and it describes the misrepresentations Justice Alito included on his statement to the Senate in response to questions about litigants who moved for his recusal during his tenure on the Third Circuit. Those misrepresentations specifically relate to this petitioner, and overlapping issues that continue to arise here.

An Application for Extension of Time to file a Petition for Rehearing, stamped received October 22, 2006, does not appear on the docket yet, and based on prior abuses here, may never appear on the docket, so that no decision on it is ever issued. That document was served on 10-7-06.

REASONS THE PETITION SHOULD BE GRANTED

A. A justice should issue a decision on an Application for his Recusal.

See the recusal statute, 28 USC Sec. 47, and related cases dealing with abuses like the ones recited here, where ineligible judges persist with presiding over cases, and disregard motions filed for their recusals.

B. Applications, Motions, and other documents properly and timely prepared should be docketed, rather than merely stamped received, then disregarded without ever being docketed, or decided.

The Application for Extension that was filed on 10-22-06, and served on 10-7-06, should be docketed, and decided. Disregard for basic court procedures allows

abuses, like the ones recited here, to continue without recourse.

CONCUSION

Rehearing should be granted to prohibit the current practice of undermining access to the court, with the receipt but not docketing of legal documents, after they are properly and timely presented for filing.

James L. Martin, attorney and petitioner

CERTIFICATION OF COUNSEL

I, James L. Martin, certify that this Petition for Rehearing is presented in good faith and not for delay, and is directed to the Order of this Court entered on 10-2-06, which denied my Petition for a Writ of Certiorari. Its grounds are limited to intervening circumstances of substantial or controlling effect, or to other substantial grounds not previously presented.

DATED: October 27, 2006

BY:
James L. Martin